

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Citibank (South Dakota), N.A., :
 Plaintiff, :
 :
 v. : File No. 2:08 CV 224
 :
C&S Wholesale Grocers, Inc., :
 Defendant. :

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed February 4, 2009. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

The defendant's motion to dismiss Count II (Paper 8) is **DENIED**.

Dated at Burlington, in the District of Vermont, this 9th day of March, 2009.

/s/ William K. Sessions III
William K. Sessions III
Chief Judge
U.S. District Court